

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No: Not yet assigned  
Confirmation No:  
Filed: Herewith  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES  
  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

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Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

Serial No.:

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Art Unit:

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies enclosed with parent patent applications US Serial No.: 10/690,495, 09/415,142 or 08/386,063 except 10/690,495, a copy of which is enclosed herewith, C1039-70083US01 through 70083US07, are identical to the parent and therefore copies are not enclosed):

| Docket Number   | Serial Number | Filing Date | Inventor(s)       |
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| C1037.70016US00 | 09/009,634    | 1/20/98     | Hutcherson et al. |
| C1037.70021US00 | 09/949,194    | 9/7/01      | Peterson et al.   |
| C1037.70025US00 | 10/017,995    | 12/14/01    | Bratzler          |
| C1037.70038US01 | 10/735,592    | 12/11/03    | Krieg et al.      |
| C1037.70041US00 | 10/613,749    | 7/3/03      | Krieg             |
| C1037.70042US00 | 10/613,524    | 7/3/03      | Krieg             |
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| C1037.70044US00 | 10/613,716    | 7/3/03      | Krieg             |
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Art Unit:

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Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

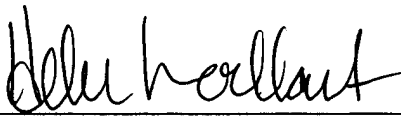
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Arthur M. Krieg et al., *Applicant*

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Docket No. C1039.70083US07

Date: February 26, 2004

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|---|---|----|---|-----------------------------------|--|-----------------------------------|--|--|--|
| <b>FORM PTO-1449/A and B (Modified)</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.:                  |  | ATTY. DOCKET NO.: C1039.70083US07 |  |  |  |
|   |   |    |   | FILING DATE: Herewith             |  | CONFIRMATION NO.:                 |  |  |  |
|   |   |    |   | APPLICANT: Arthur M. Krieg et al. |  |                                   |  |  |  |
|   |   |    |   | GROUP ART UNIT: Not yet assigned  |  | EXAMINER: Not yet assigned        |  |  |  |
| Sheet   | 1 | of | 7 |                                   |  |                                   |  |  |  |

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|---|---|----|---|-----------------------------------|--|-----------------------------------|--|--|--|
| <b>FORM PTO-1449/A and B (Modified)</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.:                  |  | ATTY. DOCKET NO.: C1039.70083US07 |  |  |  |
|   |   |    |   | FILING DATE: Herewith             |  | CONFIRMATION NO.:                 |  |  |  |
|   |   |    |   | APPLICANT: Arthur M. Krieg et al. |  |                                   |  |  |  |
|   |   |    |   | GROUP ART UNIT: Not yet assigned  |  | EXAMINER: Not yet assigned        |  |  |  |
| Sheet   | 2 | of | 7 |                                   |  |                                   |  |  |  |

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|   |   |    |   | GROUP ART UNIT: Not yet assigned  |  | EXAMINER: Not yet assigned        |  |  |  |
| Sheet   | 3 | of | 7 |                                   |  |                                   |  |  |  |

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|---|---|----|---|-----------------------------------|--|-----------------------------------|--|--|--|
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|   |   |    |   | GROUP ART UNIT: Not yet assigned  |  | EXAMINER: Not yet assigned        |  |  |  |
| Sheet   | 4 | of | 7 |                                   |  |                                   |  |  |  |

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|   |   |    |   | FILING DATE: Herewith             |  | CONFIRMATION NO.:                 |  |  |  |
|   |   |    |   | APPLICANT: Arthur M. Krieg et al. |  |                                   |  |  |  |
|   |   |    |   | GROUP ART UNIT: Not yet assigned  |  | EXAMINER: Not yet assigned        |  |  |  |
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| Sheet  | 7 | of | 7 |                                   |  |                                   |  |  |  |

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